



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 22 2004

REPLY TO THE ATTENTION OF

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Dennis Finn, Vice President  
Environmental and Regulatory Affairs  
RPM International, Inc.  
P.O. Box 777  
2628 Pearl Road  
Medina, Ohio 44258

Christie Shadrach, Product Compliance Specialist  
The Euclid Chemical Company  
19218 Redwood Road  
Cleveland, Ohio 44110-2799

Michael T. Murphy, Corporate Counsel  
Rust-Oleum Corporation  
11 Hawthorn Parkway  
Vernon Hills, Illinois 60061

Re: Finding of Violation  
RPM International, Inc., Medina, Ohio;  
The Euclid Chemical Company, Cleveland, Ohio;  
Rust-Oleum Corporation, Pleasant Prairie, Wisconsin

Dear Mr. Finn, Ms. Shadrach, and Mr. Murphy:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to RPM International, Inc., The Euclid Chemical Company, and Rust-Oleum Corporation (collectively, you). We find that you are violating Sections 183 and 111(e) of the Clean Air Act, 42 U.S.C. §§ 7511b and 7411(e), at your Cleveland, Ohio and Pleasant Prairie, Wisconsin facilities.

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and

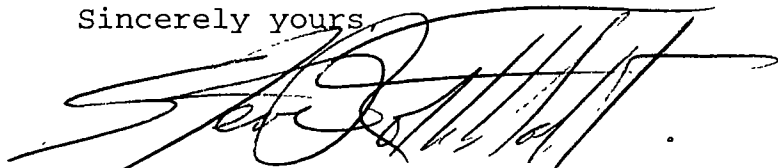
demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Ray Cullen. You may call him at (312) 886-0538 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Dennis Bush, APC Supervisor  
Northeast District Office  
2110 E. Aurora Rd.  
Twinsburg, Ohio 44087

Andrew D. Shroads  
Field Enforcement Manager  
Ohio EPA-Agency 13 (Cuyahoga County)  
City of Cleveland-Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114

Julie Armitage, Section Manager  
Compliance and Systems Management  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794-9506

**United States Environmental Protection Agency  
Region 5**

**IN THE MATTER OF:**

RPM International, Inc.,  
Medina, Ohio;  
The Euclid Chemical Company,  
Cleveland, Ohio;  
Rust-Oleum Corporation  
Pleasant Prairie, Wisconsin

Proceedings Pursuant to  
the Clean Air Act,  
42 U.S.C. §§ 7401 et seq.

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**FINDING OF VIOLATION**

**EPA-5-05-OH-01**

**FINDING OF VIOLATION**

The United States Environmental Protection Agency (U.S. EPA) finds that RPM International, Inc. (RPM), The Euclid Chemical Company (Euclid), and Rust-Oleum Corporation (Rust-Oleum), as a single manufacturer, are violating Sections 183 and 111(e) of the Clean Air Act (the Act), 42 U.S.C. §§ 7511b and 7411(e). Specifically, RPM, Euclid, and Rust-Oleum are violating the National Volatile Organic Compound (VOC) Emission Standards for Architectural Coatings at 40 C.F.R. Part 59, Subpart D as follows:

**Regulatory Authority**

1. Section 183(e) of the Act, 42 U.S.C. § 7511b(e), authorizes U.S. EPA to promulgate regulations establishing requirements regarding the manufacture of certain consumer or commercial products, the use of which may result in the release of VOCs.
2. Pursuant to Section 183(e) of the Act, 42 U.S.C. § 7511b(e), on September 11, 1998, U.S. EPA promulgated National VOC Emission Standards for Architectural Coatings at 40 C.F.R. Part 59, Subpart D (40 C.F.R. §§ 59.400 through 59.413, and Appendix A).
3. 40 C.F.R. § 59.401 defines "manufacturer" as a person that produces, packages, or repackages architectural coatings for sale or distribution in the United States. Section 59.401 further states that for purposes of applying this definition, divisions of a company, subsidiaries, and parent

companies are considered to be a single manufacturer.

4. 40 C.F.R. § 59.402(a) requires that each manufacturer and importer of any architectural coating subject to Subpart D ensure that the VOC content of the coating does not exceed the applicable limit in Table 1 of Subpart D.
5. 40 C.F.R. § 59.404(a) states that each manufacturer and importer of any architectural coating subject to the provisions of this subpart may designate a limited quantity of coatings to be exempt from the VOC content limits in Table 1 of this subpart and the exceedance fee provisions of Section 59.403 of Subpart D.
6. 40 C.F.R. § 59.404(a)(1) states that the total amount of VOC contained in all the coatings selected for exemption must be equal to or less than 23 megagrams for the period of time from September 13, 1999 through December 31, 2000; 18 megagrams in the year 2001; and 9 megagrams per year in the year 2002 and each subsequent year.

#### **Factual Background**

7. RPM is a parent company to at least twelve coating manufacturing facilities, including subsidiaries Euclid and Rust-Oleum.
8. Euclid owns and operates a coating manufacturing facility at 19218 Redwood Road, Cleveland, Ohio.
9. Euclid manufactures and distributes at least 62 coatings, including, but not limited to, "WeatherGuard." These coatings are recommended for field application to stationary structures and their appurtenances.
10. Since 1984, Euclid has manufactured and distributed "architectural coatings," as defined in 40 C.F.R. § 59.401.
11. Rust-Oleum owns and operates a coating manufacturing facility at 8691 109<sup>th</sup> Street, Pleasant Prairie, Wisconsin.
12. Rust-Oleum manufactures and distributes at least 105 coatings, including, but not limited to, those listed in Table A. The coatings listed in Table A are recommended for field application to stationary structures and their appurtenances.
13. Since 1994, Rust-Oleum has manufactured and distributed

"architectural coatings," as defined in 40 C.F.R. § 59.401.

Table A.

Product #	Description	Manufactured in:		
		2001	2002	2003
6031	FLECTO #60 CLEAR SEMI GL	X	X	X
9021	FLECTO #90 GLOSS	X	X	X
9031	FLECTO #90 CLEAR GL	X	X	X
9121	FLECTO #91	X		
9131	FLECTO #91 INT SATIN	X	X	X
9431	FLECTO #94 SEMI-GLOSS OUT		X	X
90031	FLECTO #900 GLOSS	X	X	X
100031	FLECTO #1000 CLEAR SEMI GL	X		X
110021	FLECTO #1100 PRO CLEAR SAT	X	X	
110031	FLECTO #1100 SATIN	X	X	X
130021	FLECTO #1300 PRO FLR FINISH	X	X	
130031	FLECTO #1300 GLOSS	X	X	X
130121	FLECTO #1301 SEMI GL	X	X	
130131	FLECTO #1301 SEMI GL	X	X	X
130221	FLECTO #1302 SATIN	X		
130231	FLECTO #1302 SATIN	X	X	X
201642	PEGARUST	X	X	X

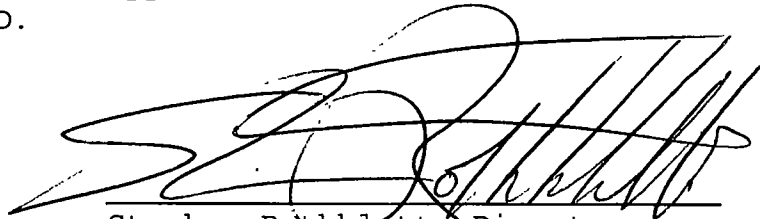
14. Euclid submitted exceedance fee/tonnage exemption reports to U.S. EPA on February 21, 2002, February 13, 2003, and February 16, 2004 for the years 2001, 2002, and 2003, respectively.
15. In the February 21, 2002, February 13, 2003, and February 16, 2004 reports, Euclid claimed an 18, 9, and 9 megagram tonnage exemption, respectively, for "WeatherGuard."
16. Rust-Oleum submitted exceedance fee/tonnage exemption reports to U.S. EPA on February 28, 2002, February 25, 2003, and February 27, 2004 for the years 2001, 2002, and 2003, respectively.
17. In the February 28, 2002, February 25, 2003, and February

27, 2004 reports, Rust-Oleum calculated the exceedance fee after claiming the 18, 9, and 9 megagram tonnage exemption, respectively, for the coatings listed in Table A.

**Violations**

18. Since January 1, 2001, RPM, Euclid, and Rust-Oleum, as a single manufacturer, have violated 40 C.F.R. § 59.402(a) by failing to keep the VOC content of its architectural coatings at or below the applicable VOC content limits in Table 1 of Subpart D.

12/22/2004  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-05-OH-01, by Certified Mail, Return Receipt Requested, to:

Dennis Finn, Vice President  
Environmental and Regulatory Affairs  
RPM International, Inc.  
P.O. Box 777  
2628 Pearl Road  
Medina, Ohio 44258

Christie Shadrach, Product Compliance Specialist  
The Euclid Chemical Company  
19218 Redwood Road  
Cleveland, Ohio 44110-2799

Michael T. Murphy, Corporate Counsel  
Rust-Oleum Corporation  
11 Hawthorn Parkway  
Vernon Hills, Illinois 60061

I also certify that I sent copies of the Finding of Violation by first class mail to:

Dennis Bush, APC Supervisor  
Northeast District Office  
2110 E. Aurora Rd.  
Twinsburg, Ohio 44087

Andrew D. Shroads  
Field Enforcement Manager  
Ohio EPA-Agency 13 (Cuyahoga County)  
City of Cleveland-Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114

Julie Armitage, Section Manager  
Compliance and Systems Management  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794-9506

on the 28<sup>th</sup> day of December, 2004.

Betty Williams for Shanee Rucker  
Shanee Rucker,  
Administrative Program Assistant  
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8909 7094  
7001 0320 0005 8909 7087-Christie Shadrach  
7001 0320 0005 8909 7063-Michael T. Murphy